



US Army Corps  
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New England District

696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

Date: June 6, 2006  
Comment Period Ends: July 6, 2006  
File Number: NAE-2005-1842  
In Reply Refer To: William J. Mullen  
Or by e-mail: William.J.Mullen@usace.army.mil

The District Engineer has received a revised permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

## APPLICANT

**REALM REALTY, 900 TOWN & COUNTRY LANE, SUITE 101, HOUSTON, TEXAS 77024.**

## ACTIVITY

It is proposed to permanently fill 2.9 acres and temporarily disturb 0.83 acres of wetlands/waters of the United States in conjunction with a development project that will utilize three existing buildings and involve construction of a new 137,740 square foot Sam's Club building and associated parking. Filling is proposed primarily to obtain sufficient footprint for the Sams Club building and parking lot. Filling and relocation of a manmade channelized stream approximately 150 feet east of its current location is a significant part of the plan, as is the partial filling of East Pond. A mix of on-site and off-site mitigation is proposed. A detailed description and plans of the applicant's activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed along an unnamed tributary of the Mattabasset River at 3465 and 3475 Berlin Turnpike, and Pane Road, Newington, Connecticut. The project is located on the USGS Hartford South quadrangle sheet is at UTM coordinates 4613711 N and 688994 E.

## AUTHORITY

Permits are required pursuant to:

- ☐ Section 10 of the Rivers and Harbors Act of 1899  
☒ Section 404 of the Clean Water Act  
☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land

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use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Bill Mullen at (978) 318-8559, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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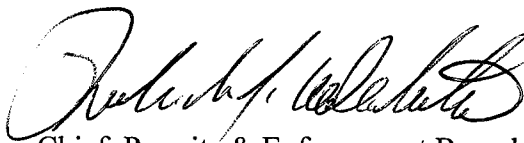
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.



Chief, Permits & Enforcement Branch  
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

The work includes the discharge of dredged or fill material in conjunction with a development project that will utilize three existing buildings and involve construction of a new Sam's Club building and associated parking.

The work is described on the enclosed "Additional Information and Executive summary" on three sheets and on plans entitled "Realm Realty, Newington Power Center" on 10 sheets, and dated "05/08/06".



## ADDITIONAL INFORMATION AND EXECUTIVE SUMMARY

### 18. NATURE OF ACTIVITY

The proposed Newington Power Center development is located at 3465, 3475, and 3563 Berlin Turnpike and 0 Pane Road in Newington, Connecticut. The site consists of four parcels totaling approximately 44.5 acres, with approximately two thirds of the site developed and one third of the site undeveloped. The existing site includes Toys R Us, Stickley Furniture, and the abandoned Caldor building that is being renovated by Stew Leonard's, as well as all necessary paved parking, utilities, and storm drainage. Stormwater runoff discharges into three large man-made detention ponds (North, East and West Ponds).

There are a total of 9 acres of state/federal regulated wetland area.

The proposed regulated activities on site are:

1. A man made channelized stream located in Wetland 1 will be relocated approximately 150 feet east of its current location to better suit the site for its planned and intended use. The new channelized stream will be approximately 300 feet in length. The Proposed Main Channel will continue to bisect the site, but will be shifted approximately 150 feet east, towards the Stew Leonard's. At the end of its approximate 300 foot length, the stormwater from this channel will pass under the parking lot access drive northeast of the East Pond through a twin 8'x5' box culvert before discharging to the East Pond. When the site was walked with Mr. William Mullen, ACOE, (spring 2005), the proposed re-development at that time called for the man-made channel to be culverted so it could support parking. Re-locating the man-made channel allows it to remain open.
2. Construction of the proposed Sam's Club will involve a number of changes to the existing site stormwater management system. The North Pond and North Channel will remain unchanged except the stormwater runoff will be conveyed through a twin 8'x5' box culvert under a northernmost access drive between Stew Leonard's and Sam's Club.
3. Fill approximately 2.93 acres of wetlands, including the man made channel (in order to relocate).
4. The East Pond will be reconfigured and additional underground stormwater storage will be provided. To supplement the East Pond volume, six foot diameter storage pipes will be constructed under the parking area to the southeast of the proposed Sam's Club.

Wetland delineation for the site was done by Jeff Shamas, Kleinfelder. Per his report, the federal and state wetland delineations are the same as previously submitted.



The follows is a summary of the proposed wetlands filling:

#### Proposed Wetland Fill Areas

Wetland Number	August 2005 Submission	May 2006 Revision
Wetland 1	=1.60 acres (69,696 SF)	=0.77 acres (33,541 SF)
Wetland 2	=0.24 acres (11,197 SF)	=0.27 acres (11,761 SF)
Wetland 4	=0 acres	=1.85 acres (80,586 SF)
Wetland 6	=0 acres	=0.005 acres (218 SF)
Wetland 7	=0.20 acres (8,781 SF)	=0 acres
Total Wetlands Area Filled	=2.04 acres (88,862 SF)	=2.9 acres (126,324 SF)

#### Temporary Wetlands Disturbance

Wetland Number	August 2005 Submission	May 2006 Revision
Wetland 7	=1.61 acres (67,816 SF)	=0 acres
Wetland 4	=0.08 acres (3,463 SF)	=0.83 acres (36,155 SF)
Total Temporary Wetlands Disturbance	=1.69 acres (71,279 SF)	=0.83 acres (36,155 SF)

At the conclusion of the project, the site will contain 6.1 acres of wetlands.

As part of the proposed project there will be wetland mitigation both on-site and off-site. On-site mitigation is proposed for the stream channel and detention pond banks and shoulders. On-site mitigation will be in the form of: creation of streams, creation of new wetland habitat, and enhancement plantings of native trees, shrubs and seed mixes. The area of on-site mitigation can be summarized as follows:

#### On-site Mitigation Areas (as referenced in Section C)

Mitigation Area 1	57,309 SF	=	1.32 acres
Mitigation Area 2	9,156 SF	=	0.21 acres
Mitigation Area 3	9,626 + 6,844 = 16,470 SF	=	0.38 acres
Mitigation Area 4	12,019 SF	=	0.28 acres
Mitigation Area 5	52,567 SF	=	<u>1.21 acres</u>
Total On-Site Mitigation		=	3.4 acres

Off-site mitigation is proposed at Churchill Park in Newington, CT, located to the west of the proposed project and within the same watershed as the Project. Mitigation activities proposed at Churchill Park include: 1) the cleaning and mucking of an existing pond adjacent to recreational areas; 2) clearing and replanting of the banks and areas surrounding the pond; and 3) enhancement of the emergent marsh in the park via eradication of invasive species and re-vegetation with native species.

## 19. PROJECT PURPOSE

The proposed Newington Power Center property was designed and permitted for a full-build project in the early 1990's. However, the final phase of construction never took place. In 1998, Caldor left the premises and the building has remained vacant ever since. The Toys R US building has remained occupied but has struggled with poor traffic circulation and low volume



sales. The redevelopment will utilize the existing three buildings, former Caldor, Toys R Us, and Stickley Furniture. In addition, the former Caldor will be renovated for a Stew Leonard's. The proposed Sam's Club will be constructed to the west of the Stew Leonard's. A retail store of 6,500 square feet will be constructed in the northeast portion of the Stickley Furniture parking lot. The Sam's Club gas station will be located off of Rowley Street in an open area southeast of the Stickley Furniture building.

It has been very difficult to attract tenants to this parcel because the abandoned building has poor visibility from the street and is not large enough to create its own draw. However, utilizing the rest of the site as originally intended by constructing the proposed Sam's Club will create the necessary synergy. Several retailers expressed interest over the past two years in occupying the Caldor building if a larger anchor such as Sam's is built on the site. In fact, Stew Leonard's agreed to enter into a lease at this location in part based on Sam's plans for the property and the developer's commitment to improve the site which would not happen without a critical mass of premium tenants. Stew Leonard's recently received approval from the Town of Newington to renovate and occupy the Caldor building.

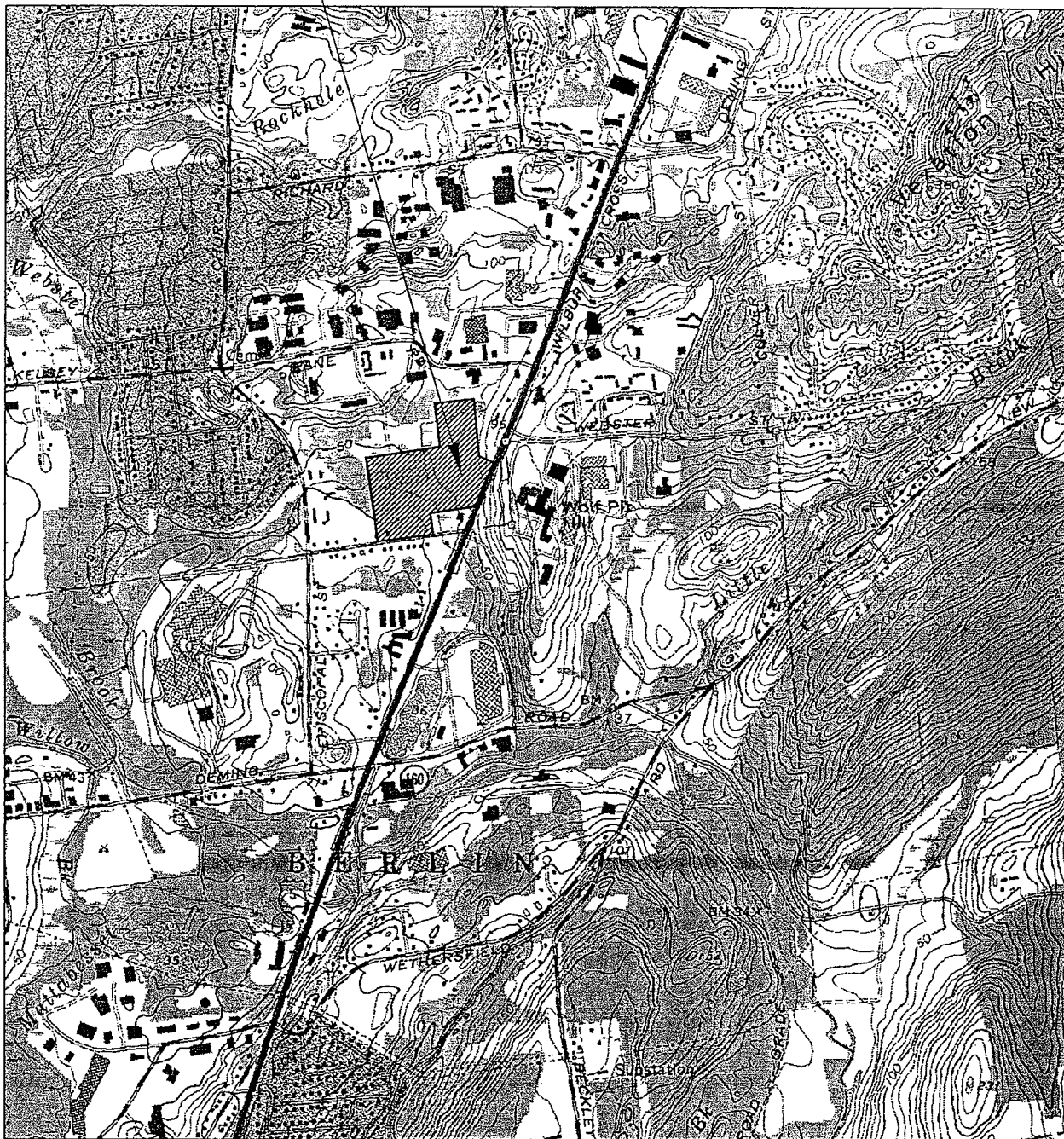
The square footages of the proposed building footprints are as follows:

	<u>Building (sq ft)</u>
Toy's R Us	30,800 (existing)
Stew Leonard's	113,306 (existing)
Stickley Furniture	51,965 (existing)
Retail Building	6,500 (new)
Sam's Gas Station	217 (new)
<u>Sam's Club</u>	<u>137,740 (new)</u>
<b>Totals</b>	<b>340,528 sq. ft</b>

As mentioned above, the parcel was previously designed and approved for a full build retail complex. The proposed site plan modifies the previously man made channels and detention basins to configure the site into economically viable parcels structured to meet today's design criteria for space and function.

Full size copies of the site plans are included with this application so that the full scope of the project can be more fully appreciated. Construction is planned to begin fall of 2006 and be completed winter of 2007.

# SITE LOCATION



## MAP REFERENCE

THIS MAP WAS PREPARED FROM THE  
 FOLLOWING 7.5 MINUTE SERIES  
 TOPOGRAPHIC MAP: HARTFORD, CT SOUTH  
 1927 (REVIS: 1997)

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REALM REALTY  
 SITE LOCATION MAP  
 NEWINGTON POWER CENTER

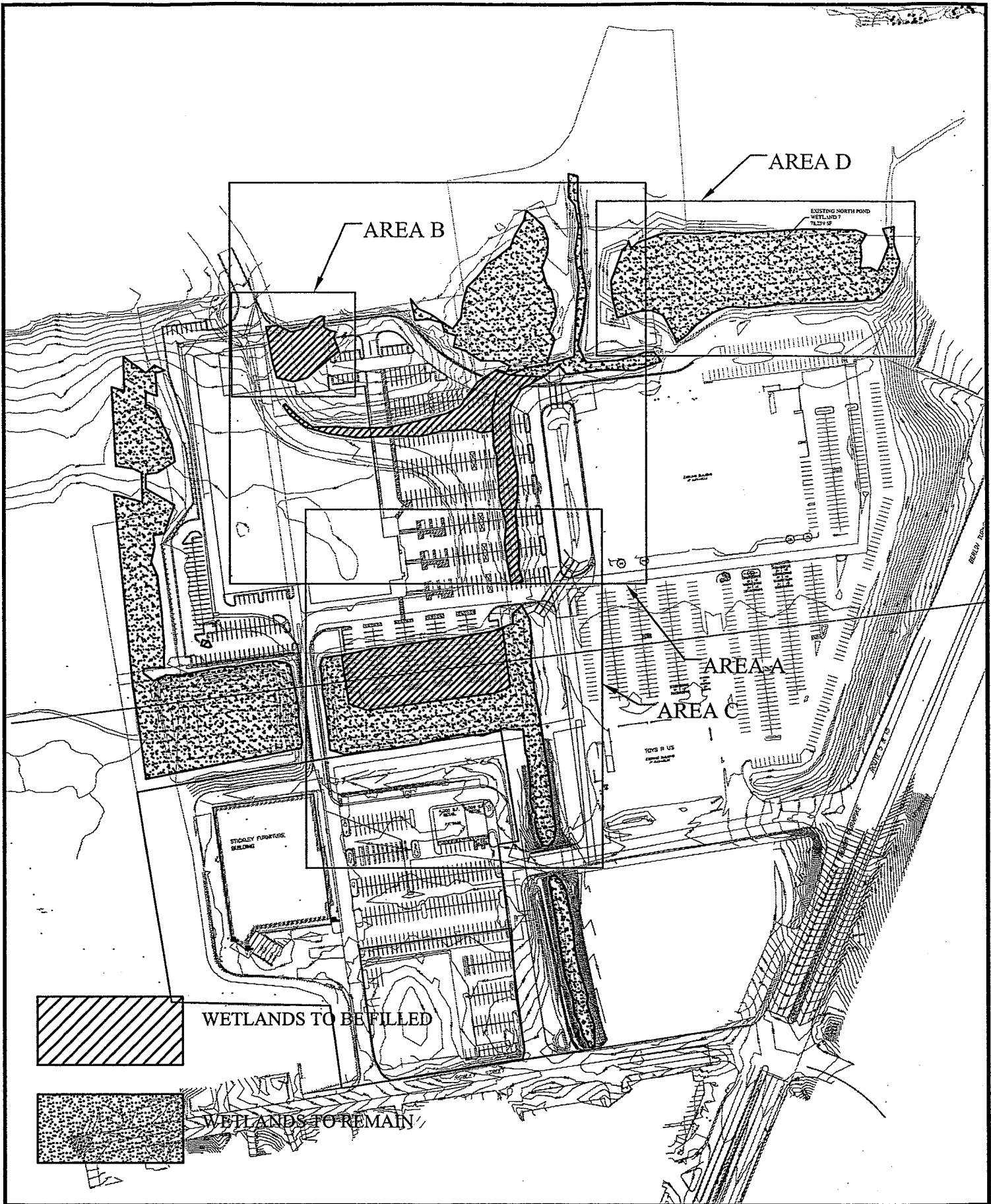
NEWINGTON


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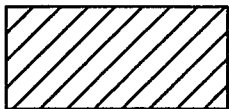
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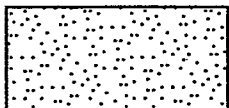




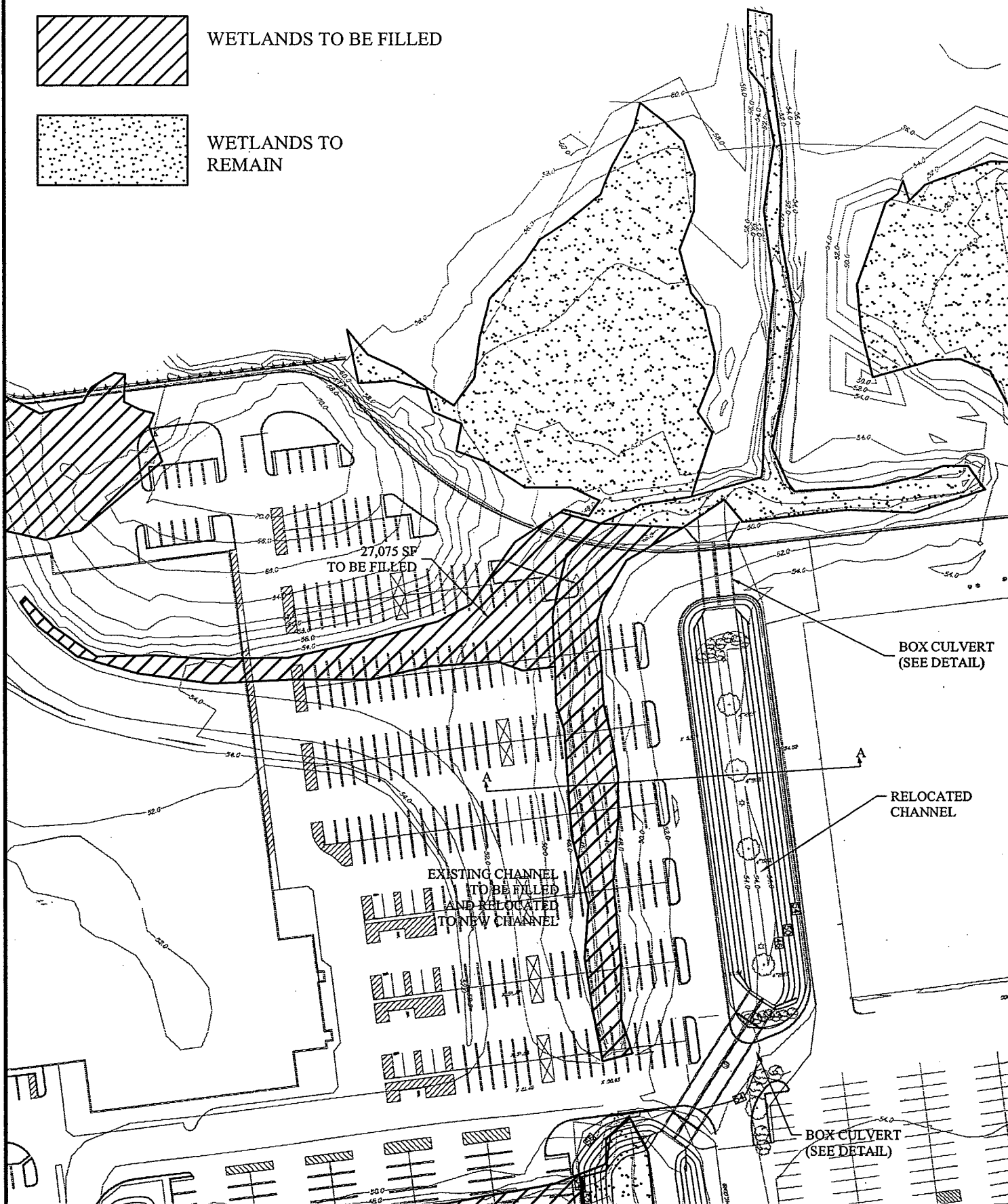
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WETLANDS TO BE FILLED



WETLANDS TO REMAIN



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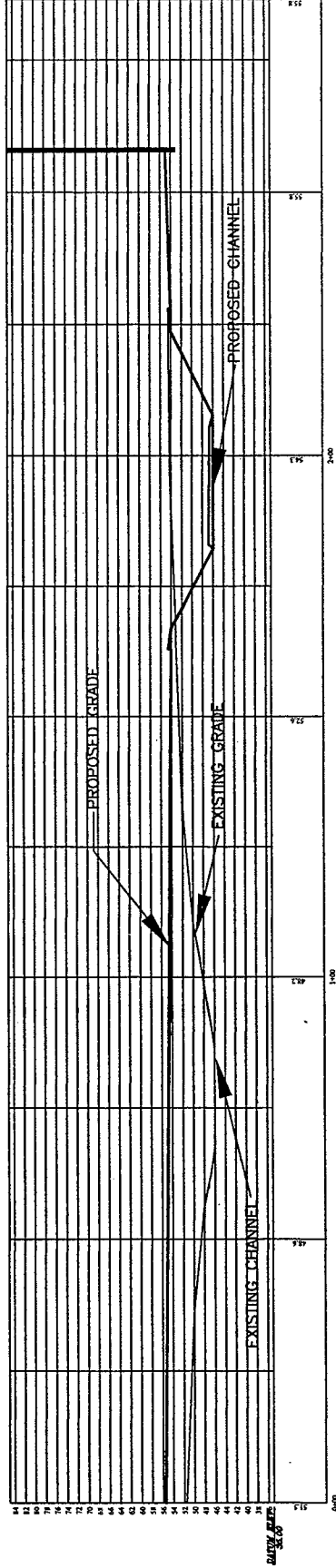
REALM REALTY  
AREA A IMPACTS  
NEWINGTON POWER CENTER

NEWINGTON

CONNECTICUT

PROJ. No.: 2004 1106 S10  
DATE: 05/08/06

**PLATE A**

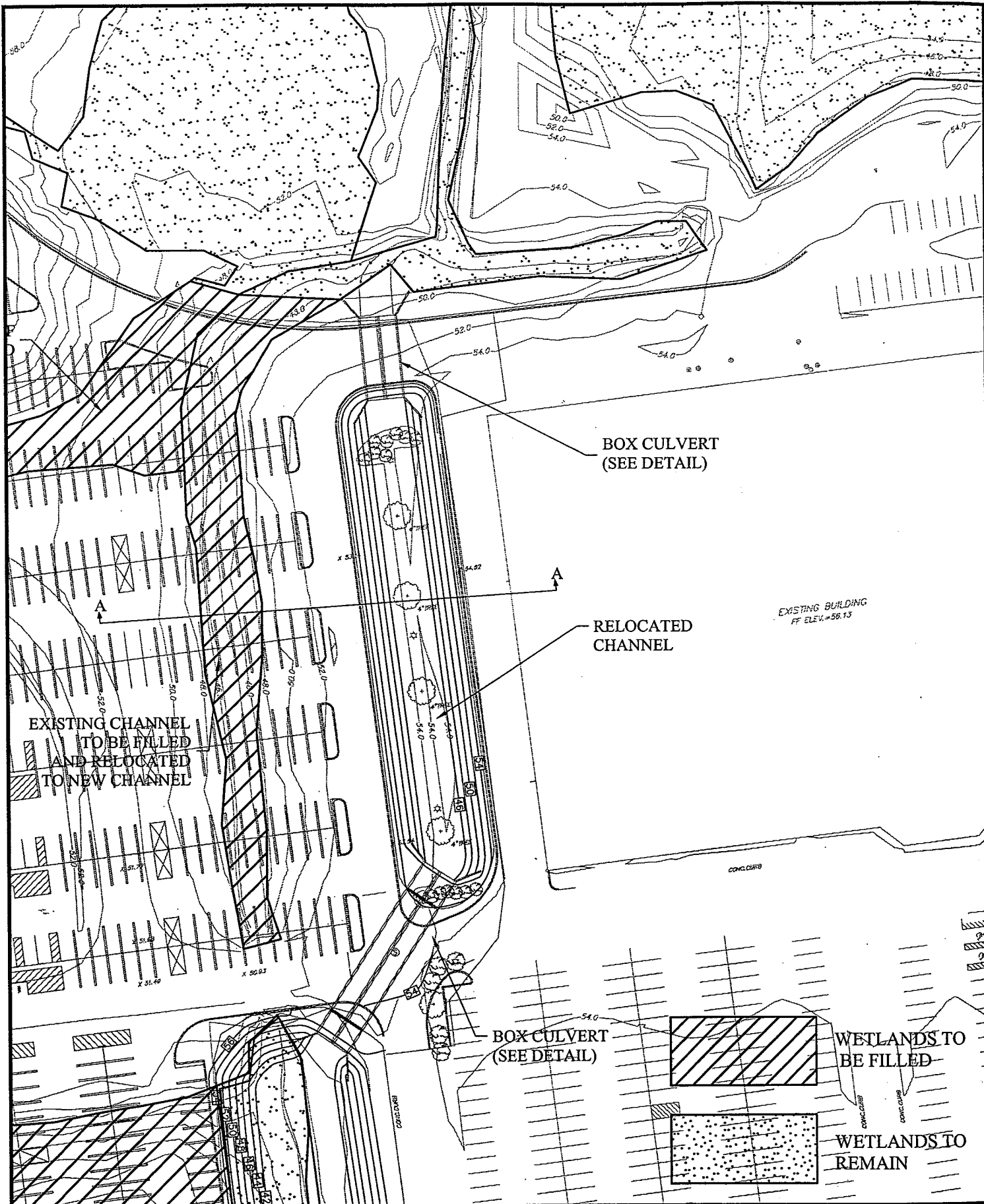


**CROSS SECTION A-A**  
N.T.S

REALM REALTY  
**CROSS SECTION A-A**  
 NEWINGTON POWER CENTER  
 NEWINGTON CONNECTICUT

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AREA A NEW CHANNEL

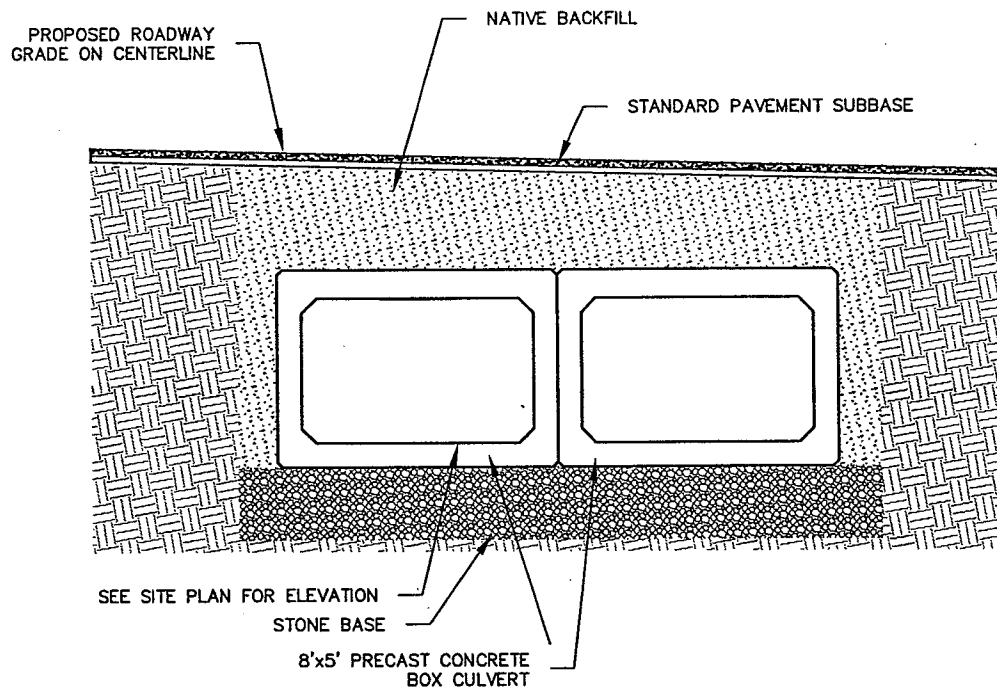
NEWINGTON POWER CENTER

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PROJ. No.: 2004 1106 S10  
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PLATE A-2



**TYPICAL BOX CULVERT ELEVATION**  
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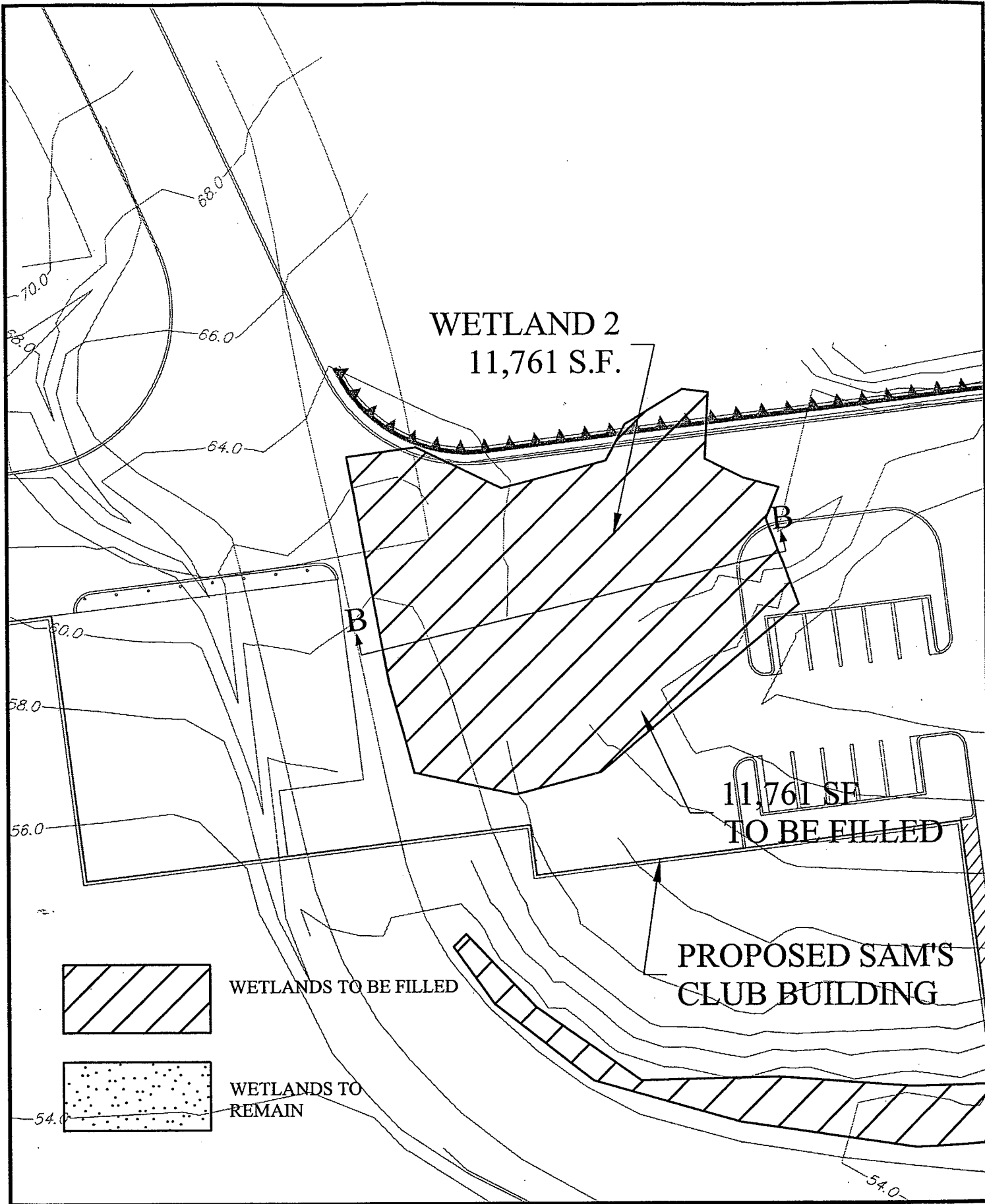
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STREAM CHANNEL DETAILS  
NEWINGTON POWER CENTER

NEWINGTON

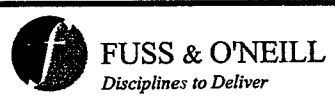
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PROJ. No.: 2004 1106 S10  
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**PLATE A-3**



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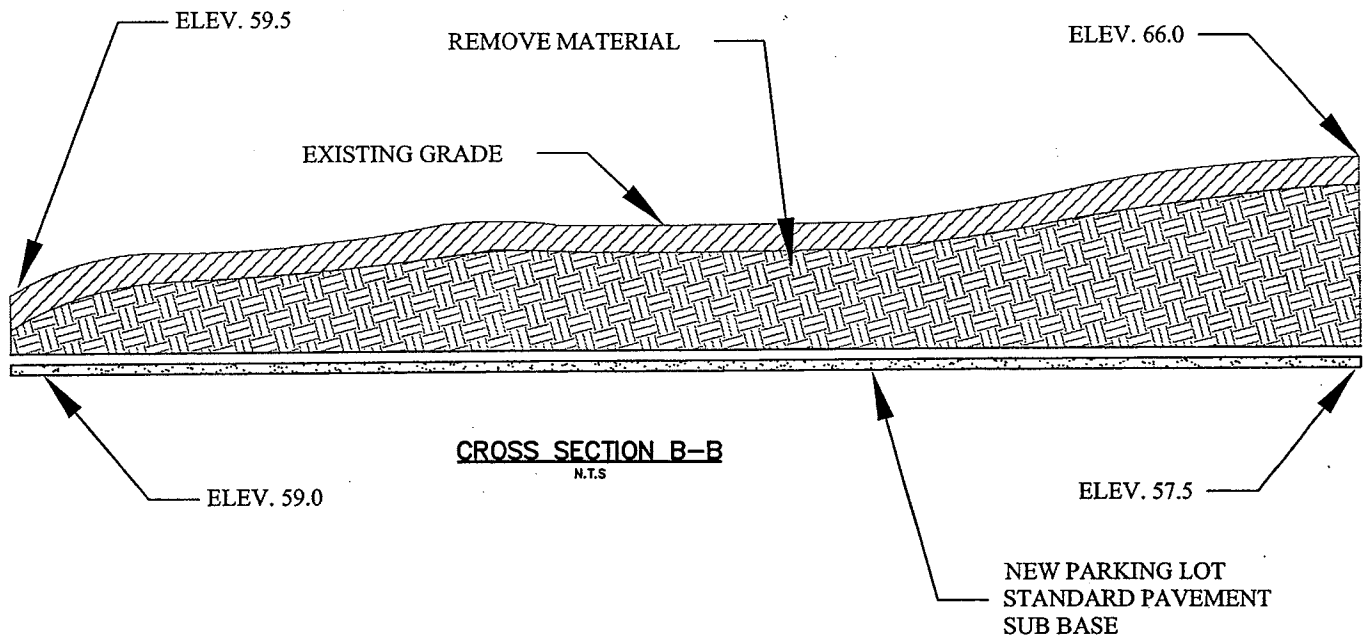



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AREA B IMPACTS  
NEWINGTON POWER CENTER

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PROJ. No.: 2004 1106 S10
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<b>PLATE B</b>



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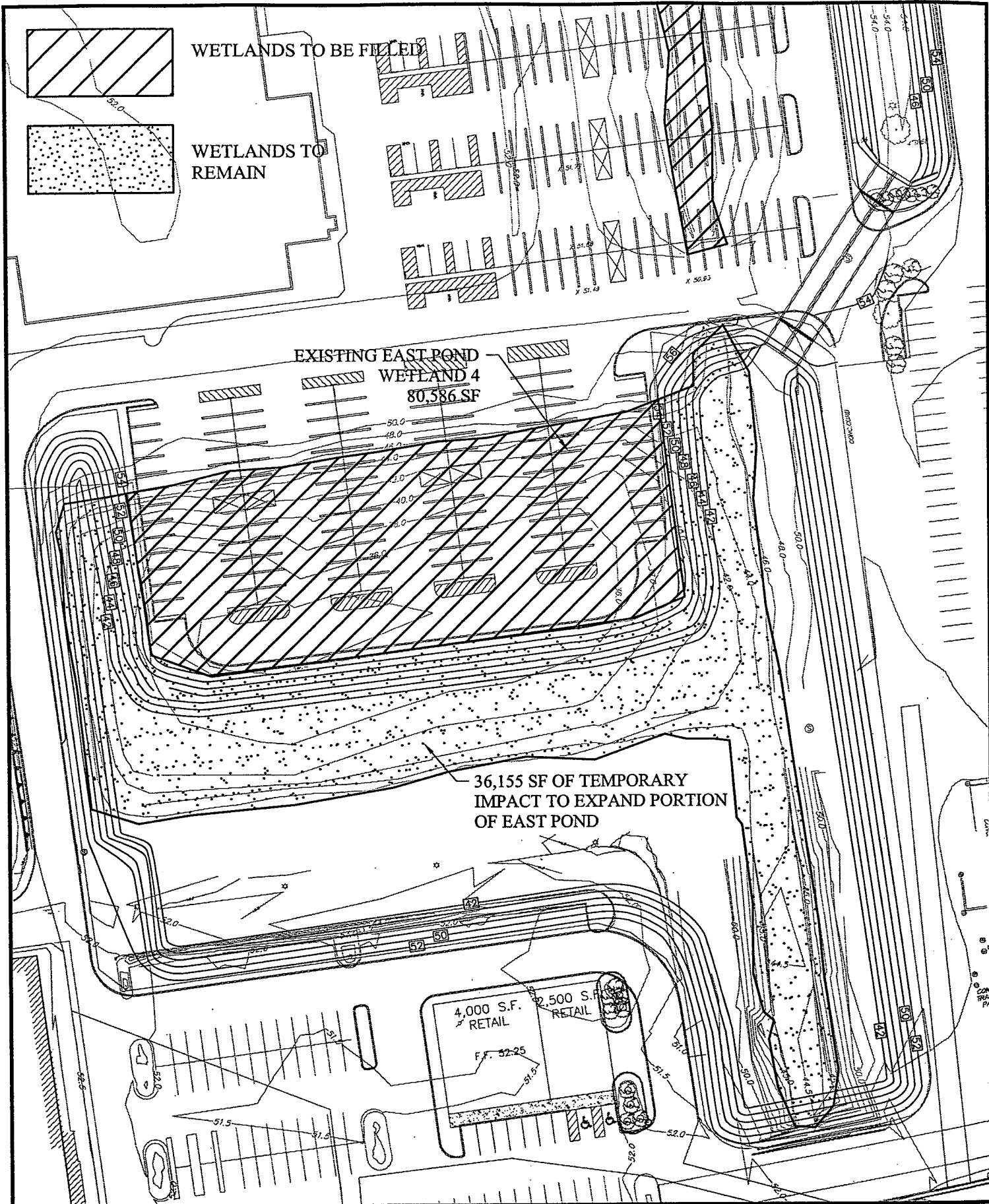
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NEWINGTON POWER CENTER

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PROJ. No.: 2004 1106 S10  
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**PLATE B-1**



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**AREA C IMPACTS**  
**NEWINGTON POWER CENTER**

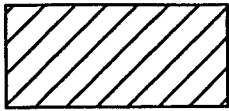
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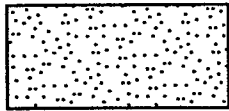
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**PLATE C**

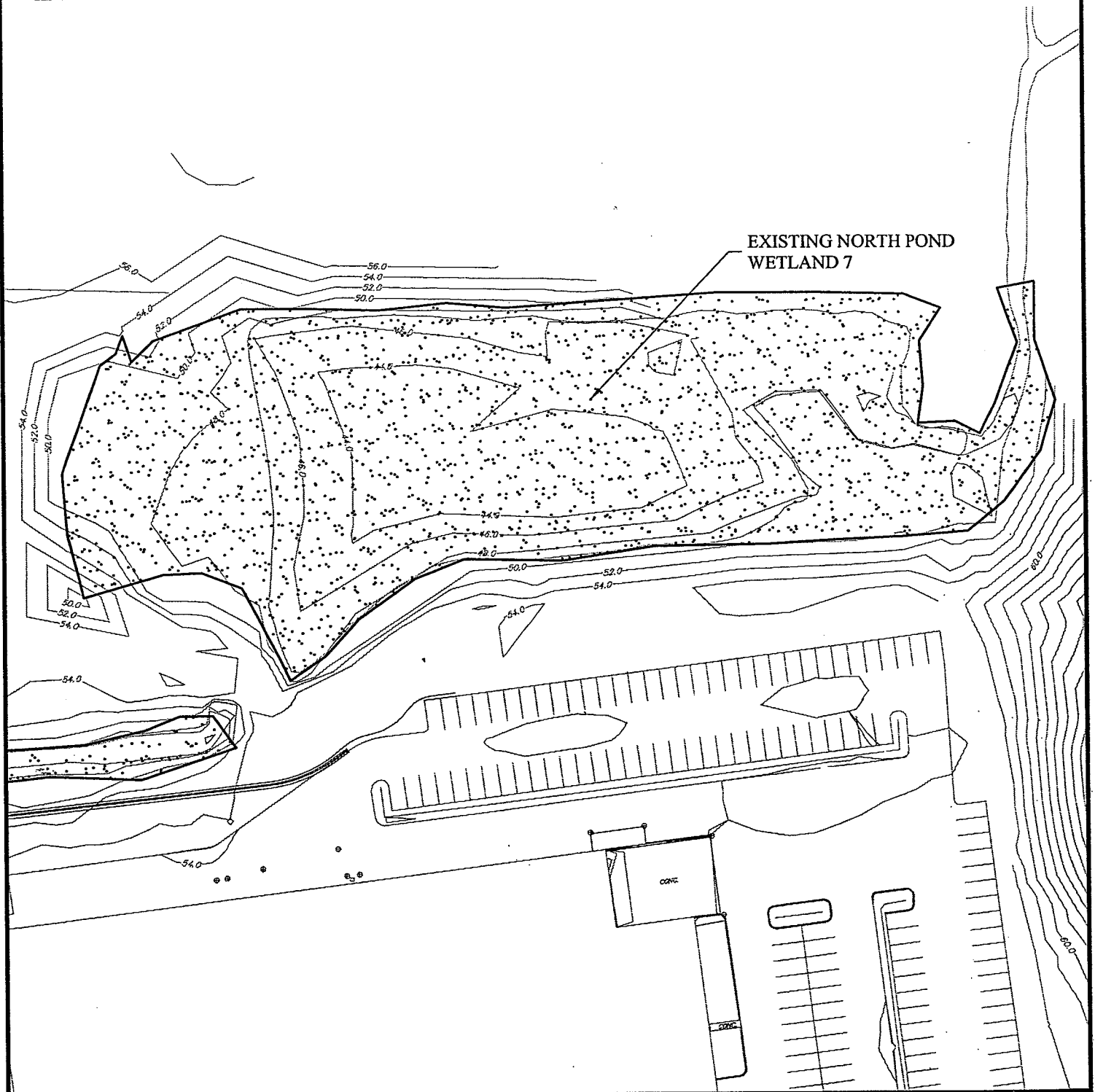




WETLANDS TO BE FILLED



WETLANDS TO REMAIN



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**PLATE D**